



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 5021-99
2 December 1999

MR. [REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. By implication, you requested removal of all derogatory documentation.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 5 November 1999, a copy of which is attached. They also considered your rebuttal letter dated 22 November 1999.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They noted you assert the statement "that caused all this" was given under the influence of alcohol, and that you would not have made such a statement when sober. However, they further noted that you do not deny the truth of the statement. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-832C
5 Nov 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: EX [REDACTED], [REDACTED]

Ref: (a) CHNAVPERS ltr Pers-F321-GF-nlm of 8 Jul 63
(b) BCNR ltr CRS Docket No: 15929-92 of 7 Sep 93

Encl: (1) BCNR File 05021-99
(2) Petitioner's Microfiche Record

1. The petition and naval records of subject petitioner have been reviewed relative to his request for removal of derogatory material.

2. The review reflects that the petitioner was discharged due to Unfitness with a characterization of General as authorized by reference (a). Reference (b) upgraded the characterization to Honorable. Documentation supporting those significant events should remain in the record. The maintenance of those documents is essential to depict the petitioner's character and background, and in conjunction with any other unsatisfactory conduct, to serve as a possible consideration for future administrative action. A presumption of regularity attaches to official records, and the burden of proof is on the petitioner to show documentary evidence that an error has occurred or an injustice suffered. Neither the passage of time nor contributions to the civilian sector negate the above. Therefore, favorable action on this petition is not recommended.

[REDACTED]
Technical Advisor to the
Head, Enlisted Performance
Branch (PERS-832)